

February 8, 2005

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular meeting at 6:31 p.m. on February 8, 2005, in Council Chambers.

ROLL CALL

Present: Councilmembers Lieu, McIntyre, Mauno, Nowatka, Scotto, Witkowski and Mayor Walker.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers and other staff representatives.

17. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on the agenda matters listed under 17.A) Conference with Labor Negotiator; and 17.B) Conference with Legal Counsel, Existing Litigation; pursuant to California Government Code Sections 54957.6 and 54956.9 (a).

The City Council reconvened at 7:00 p.m.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Mauno.

The invocation was given by Councilmember Witkowski.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Lieu moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Mauno and a voice vote reflected unanimous approval.

MOTION: Councilmember Lieu moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Mauno and a roll call vote reflected unanimous approval.

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Scotto announced a meeting of the Finance and Governmental Operations Committee on Tuesday, March 8 at 4:30 p.m. in Council Chambers to discuss the mid-year budget.

He also announced meetings of the Armed Forces Day Parade Committee on March 10 and April 14 at 10 a.m. in the Garden Room at the Cultural Arts Center.

Mayor Walker announced a General Plan Update Workshop scheduled for Wednesday, February 23 at 7:00 p.m. in Council Chambers.

7. CONSENT CALENDAR

7A. AMENDMENT RE REDESIGN TELEVISION MASTER CONTROL FACILITIES

Recommendation

Recommendation of the **City Manager** that City Council approve Amendment No. 3 to contract with A.F. Associates, Inc. (C2002-125) for redesign of the Television Master Control Facilities (MCF) Project, (FEAP #106), to extend contract expiration date to December 31, 2005.

7B. PURCHASE ORDER RE PLAYGROUND EQUIPMENT AND RUBBERIZED PLAY SURFACING AT WALTERIA AND GUENSER PARKS

Recommendation

Recommendation of the **Acting Community Services Director** that City Council:

- 1) Appropriate \$68,696.96 from the Parks and Recreation Open Space Fund into the Park Playground Equipment Replacement Project Account (FEAP #339); and
- 2) Authorize a sole-source purchase order with Miracle Playground Sales of Southern California, Placentia, CA, for an amount not to exceed \$181,196.96 for the acquisition and installation of playground equipment and rubberized play surfacing at Walteria and Guenser Parks.

7C. MAP OF ECONOMIC CONFLICTS OF INTERESTS RE PROPERTY OWNED BY CITY COUNCIL AND CITY PLANNING COMMISSIONERS

Recommendation

Recommendation of the **City Clerk** that City Council receive and file the map of economic conflicts of interest disclosing property owned by City Council and City Planning Commissioners within the Redevelopment Agency's three project areas. **(Companion to Redevelopment Agency Item 4B)**

7D. AMENDMENT RE GEOTECHNICAL CONSULTING SERVICES FOR PROPERTIES LOCATED AT CAROLWOOD LANE AND SINGINGWOOD DRIVE

Recommendation

Recommendation of the **City Attorney** that City Council approve the Fifth Amendment to the agreement with URS Corporation (C2001-053) for geotechnical consulting services for properties located at Carolwood Lane and Singingwood Drive and appropriate an additional \$30,000 from the Reserve for Litigation Account. This funding will augment the existing contract with URS Corporation.

MOTION: Councilmember Scotto moved to approve items 7A, 7B and 7D as written correcting a scrivener's error with a business name change for 7C.

Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

9. PLANNING AND ECONOMIC DEVELOPMENT

9A. APPEAL RE TRACT MAP VEHICULAR ACCESS PROHIBITION FOR LOT 7, TRACT 30376

Recommendation of the **Community Development Director** that City Council deny William Laney's appeal and thereby affirm the existing Tract Map prohibition of vehicular access to Lomita Boulevard from Lot 7, Tract 30376.

Transportation Manager Semaan reported that the item was as a result of months of discussion discouraging Mr. Laney's request for a second driveway on to Lomita Boulevard.

Responding to Mayor Walker, Transportation Manager Semaan indicated only one or two driveways currently exit to Lomita Boulevard from the residential section, but none within this particular tract.

William Laney, Galva Avenue, stated that his main objective is to have a second unit on the rear of the property. He reported having a large lot and noted that the denial precluded him from building a second unit. He outlined his proposal, provided background on the issue with a timeline, expressed his need, and proposed solutions.

Mr. Laney provided pictures of the lot and the area and he indicated that because his lot is pie shaped, the front is too narrow to allow rear unit access without demolishing part of the house. He reported that Community Development has objected on the basis of affects to traffic flow, but he cited two properties to the west of him with curb cuts. He further pointed out that although the code allows only one curb cut per property, there are many with more. He answered city objections regarding sight distance and wall height by citing the property to the west which has a wall at the same height.

Mr. Laney acknowledged the General Plan and safety concerns but hoped to work together with the city to come up with a solution noting that a precedent had already been set. He recognized the concern with residential driveways on busy arterials and suggested that only those residences with a second unit on the property be allowed a second driveway. He also pointed out that he was allowed to leave an opening in the wall he built along the back of his property when he received permission to construct it.

In response to an inquiry from Councilmember Mauno, Mr. Laney stated that he wanted to build a rear unit that his aging mother-in-law might live in and there would be no way to access the rear unit without the driveway.

Councilmember Witkowsky noted that the ordinance requires both addresses to be clearly visible from Galva Avenue and requires access to Galva, not Lomita. She asked whether the ordinance was the basis for the denial and asked about those properties that have access off Lomita.

Community Development Director Gibson explained that some curb cuts were prior to the existing ordinance limiting curb cuts and they do not service an independent or separate residential unit. Mr. Laney is asking to grant approval for vehicular access off of Lomita Boulevard but even if they allow that, other ordinances in the city will complicate that because they require that mail, trash, etc., must be serviced off of Galva. He added

that nothing in the government code requires that access be provided to allow for a second unit and staff feels that the negative impacts on Lomita Boulevard outweigh the benefits of a second unit. He reiterated that they strongly opposed a driveway for a residential unit that has access to Lomita Boulevard, an arterial with high speeds and poor visibility.

Councilmember Witkowski questioned why an opening in the block wall had been allowed and Transportation Manager Semaan reported that Building and Safety indicated that the resident asked for the opening but did not disclose that it would be for a curb cut. When Mr. Laney approached permits and records he was informed that a second driveway would not be an approved process and they discouraged him from moving forward.

Mayor Walker could not remember seeing a request for a curb cut or ingress and egress for a more dangerous site and he could not imagine any justification for granting it. He commented that as someone who drives the street daily, he had never seen anyone utilize any of those accesses off of Lomita to the residences and he could not consider granting the appeal but he acknowledged the applicant's right to bring the matter through the appeals process.

MOTION: Councilmember Witkowski moved to concur with the staff recommendation to deny the appeal. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

15. SECOND READING ORDINANCES

15A. SECOND AND FINAL READING - ORDINANCE NO 3662

Second and Final Reading of **ORDINANCE NO. 3662** creating a new article to the Torrance Municipal Code relating to waste reduction reporting requirements for construction and demolition projects.

ORDINANCE NO. 3662

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TORRANCE, CALIFORNIA CREATING A NEW ARTICLE
OF THE TORRANCE MUNICIPAL CODE RELATING TO
WASTE REDUCTION REPORTING REQUIREMENTS FOR
CONSTRUCTION AND DEMOLITION PROJECTS.**

MOTION: Councilmember McIntyre moved to adopt Ordinance No. 3662. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

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The Torrance Redevelopment Agency met from 7:26 p.m. to 7:29 p.m.

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16. ORAL COMMUNICATIONS

16A. City Clerk Herbers announced that applications were being accepted for appointment to the Cable Television Advisory Board, the Environmental Quality and

Energy Conservation Commission and the Library Commission until Wednesday, February 9, 2005 with appointment during the February 15 City Council meeting.

16B. Councilmember Lieu encouraged implementation of Green Buildings and Sustainable City Living programs noting that Torrance and the South Bay had no such programs. He cited statistics illustrating the need and benefits of such a program including improved air and water quality, a reduction in solid wastes, conservation of national resources and minimizing strain on local infrastructure. He reported that Santa Monica and the City of Los Angeles had implemented programs and he pointed out that last year Toyota built the largest certified green building in the country. Councilmember Lieu asked staff to work with the Environmental Quality and Energy Conservation Commission to formulate a range of proposals for the council to consider in adopting and implementing a program. He noted the work of Chairperson McCabe on the subject and he requested that a Green Building and Sustainable City policy be included in the General Plan update. Mayor Walker asked staff to follow up.

16C. Councilmember Mauno congratulated Torrance Police for their recent response to burglaries in North Torrance and he thanked them for meeting with and reassuring residents in the area. He noted that the weekly report indicated some of the perpetrators had been apprehended and they are working on finding the others.

16D. Councilmember Mauno reported sitting in on a weekly meeting of the City Attorney's Office and was impressed by watching the attorneys in action, by the quality of attorneys on staff and by the way case information is stored electronically. He was amazed at the requests that come in and appreciated the aggressive prosecution of small crimes as it sends a message that the city cares about public safety.

16E. Councilmember McIntyre congratulated members of the West High Academic Decathlon team who participated in a state wide contest which would have been cancelled due to a lack of funding but for numerous private donations that came in. She noted that the results had not yet come in but she thanked the team which did exceptionally well in a rigorous contest.

16F. Councilmember Nowatka announced that the College Fair would be held on Saturday, February 26 from 11 a.m. to 2 p.m. at Torrance High School.

16G. Councilmember Nowatka reported hosting seven new members of the Torrance Police Department at the Museum of Tolerance: Paul Correll, Charlene White, James Prieto, Mark Ponegalek, Daniel Vasquez, Jr., Pablo Alvarez, and Joe Loranger. Chief Herren reported 37 graduates from Orange County Sheriff Department's Academy, with seven coming to Torrance spending two weeks in orientation before hitting the streets on patrol. He reported that Joe Loranger was an honor cadet, James Prieto had the top achievement scores for academics in the class and Daniel Vasquez was class president.

16H. Councilmember Scotto announced that Coach Herman Boone would be speaking on February 13 at the Cultural Arts Center in the American Perspectives series sponsored by Toyota.

16I. Councilmember Scotto asked staff to agendize free use of facilities for the Torrance Cultural Arts Center Foundation gala as has been done in that past.

16J. Councilmember Scotto reported that the Torrance Council of PTAs had honored Hazel Taniguchi and Melissa Wright with Honorary Service Awards and Terry Ragins received a Continuing Service Award.

16K. Councilmember Scotto announced that April 18, 2005 would be the 15 year anniversary for the Max Bus ride system in the City of Torrance and those riding the bus during that week would receive something free. He added that he had free bus passes for Councilmembers, the City Clerk and the City Treasurer.

16L. Mayor Walker asked, with Council approval, that the Stage Two Theatre be renamed The George Nakano Theatre as he has worked tirelessly for the city and without his efforts the theatre would not exist. Councilmember Nowatka expressed surprise at the sudden request and asked that the item be brought back at a later date. Mayor Walker questioned whether the matter could be so ordered without majority Council approval and Councilmember Scotto asked if similar items were not usually sent to a committee for facility naming. Mayor Walker said they were not. He questioned whether language such as "without majority objection so ordered" was sufficient and City Attorney Fellows indicated that it was.

16M. Tom Brewer distributed a timeline for a case before the city noting that two weeks prior, Alan Lee had come before the City Council and claimed that Mr. Brewer had lied at the Civil Service meeting of January 24, 2005. Mr. Brewer suggested that before considering any action based on accusations, the Council listen to a tape of the Civil Service meeting and he also clarified that the city had not become aware of the complaint from PERB until they were served on January 26, 2005.

16N. Alan Lee, TME-AFSCME Local 1117, gave City Council a verbatim transcript of the January 24, 2005 Civil Service Commission meeting, a copy of a letter from city employees Richard Davis, Mark Fajita, and Gus Lemus with pending disciplinary hearings before the Civil Service Commission and would like Commissioner Brewer removed as they do not think he will give a fair and impartial hearing and a letter from other union members stating that cases, issues and decisions of the Civil Service Commission impacted them greatly and that the members of the commission should be of the highest character and be impartial. Mr. Lee also read a letter from the TME-AFSCME Board of Directors expressing concerns, and strongly urging the removal of Commissioner Brewer from the Civil Service Commission. He also indicated that he still thought that Mr. Brewer had lied.

Mayor Walker commented on the lack of decorum in recent times and noted that people can misspeak or become confused but should not be referred to as liars. He added that the transcripts and staff information would speak for itself.

16O. Charlie Oats, representing a group of retired Torrance police officers, stated that he had sent the Council a certified letter on January 31, 2005 that laid out some of the problems he had encountered in seeking resolution to issues he had brought up before the City Council some months ago and unsuccessful requests over the years to have issues dealing with retirement programs put on the agenda.

Mr. Oats suggested that those monies that belong to the system have been used for purposes other than for retirement benefits which is contrary to article 16, Section 17.A that indicates money in the retirement system is to be used for the exclusive benefits of the members. He asserted that members' retirement earnings were being used for

purposes contrary to the constitution, government code and contrary to 401a IRS code not for profit trust funds. He noted that in order for them to get their money they are required to belong to a labor union which doesn't make sense and he didn't think they have that authority. He stated that he wanted to resolve the issues at the bargaining table where they belong rather than through litigation noting that the money belonged to them by contract and he would like to see it put on the agenda.

Mayor Walker said the speaker had brought up numerous questions concerning the law and he felt the City Attorney should answer those questions before they review his request for a public hearing on the matter.

Mr. Oats agreed that was fair but noted that last time he had heard from the City Attorney he was told that the matter was referred to the Contract Negotiator and he never heard from them.

City Manager Jackson indicated that in the past he had answered the legal issues as has PERS and if Mr. Oats believes there is a claim he should file one.

16P. Sandi Monda, Talisman, spoke on behalf of Donna Spreitzer, President of the Southwood Homeowners Association, indicating that the Shea Project was postponed and would not be heard by the Council on February 15, 2005.

Mayor Walker received clarification that the legal time period for notifications is ten days prior to the date and he committed to notifying them. Ms. Monda explained the notification procedures for homeowner associations noting the difficulties of working within a ten day period.

Ms. Monda speaking for herself, quoted from the resolution containing the MOU for TME-AFSCME which indicated that TME-AFSCME Union 1117 shall keep adequate and itemized records of its financial transactions and make them available annually to City Manager or his designees and to all union employees within 60 calendar days after the end of its fiscal year. She outlined numerous attempts to obtain annual financial reports for the years 2000-2001 noting that the last report received in the office was dated November 13, 2000 for the fiscal year ending December 31, 1999.

Ms. Monda read procedures for records requests noting that in unusual circumstances the time limit proscribed may be extended by written notice by the head of the agency to the person making the request setting forth the reasons for the extension, and a projected date for the resolution but no notice shall specify an extension of more than 14 days. She questioned why it was necessary to make five requests over the last 2 ½ years to get information that is supposed to be available to the public.

Ms. Monda asked for the Council's assistance in making those financial statements available in City Clerk's Office no later than Tuesday, February 15, 2005.

16Q. Joella Jimenez, Cabrillo Avenue, distributed fliers and reported that her 17 year old daughter, a student at Torrance High School, was missing. Ms. Jimenez expressed frustration at failed attempts to bring media attention to the case because her daughter has been deemed a runaway rather than a missing person.

Mayor Walker expressed empathy for Ms. Jimenez and questioned whether staff had looked at putting an appropriate link on the website for missing children in the community.

Police Chief Herren reported that the state of California has specific guidelines on what kind of person constitutes critical missing and this did not meet the criteria, that the

police had done all in their capacity to attempt to locate her daughter and pointed out that local papers can publicize information at their choice. He indicated that a web link had not been added to the website that would post pictures or information about missing children but the city does have the ability to link information like this to a national missing person's website.

City Manager Jackson asserted that the matter should be left in the hands of the Police Department who have guidelines and criteria to follow. He noted that some of the information is confidential noting that the matter could not be pursued further.

Ms. Jimenez promised to be a strong advocate for information on missing children.

16R. Brenda Short, Bindewald Road, commended the Council for their attention to environmental issues and questioned why green waste trash pick up was not available. City Manager Jackson indicated he would investigate the matter further.

16S. Janet Payne, Engracia Ave., commented that although she was well aware of Mr. Nakano's important contribution to the theatre, she was stunned that the Mayor had the kind of power to decide the name of the theatre without any input, vote or open discussion with arts people in the community.

16T. Bill Laney, Galva Avenue, noted that he had heard very few nays and almost all ayes on the issues considered tonight. He added that it had taken Ms. Monda years to try to get her information and he observed a trend in the city that it takes a long time to resolve simple requests.

Mayor Walker noted that Mr. Laney had taken his request through the process, as was his right, and that he received the same answer as he did on day one.

17. EXECUTIVE SESSION

Considered previously.

18. ADJOURNMENT

At 8:28 p.m., the meeting was adjourned to Tuesday, February 15, 2005, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

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Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on March 22, 2005